

# Public Document Pack



## ABERDEEN CITY COUNCIL

To: Allan McIntosh, Convener; George Wyatt, Vice-Convener; Craig Adams and Gerard Rattray (Representatives of Holders of Premises Licences/Personal Licences); Inspector John Soutar (Grampian Police); Sandy Kelman (Alcohol and Drugs Partnership); David Wright (Education); Tom Cowan (Social Care); Linda Smith (Health); Gordon Riddel, Mark Donlevy and Bob Westland (Community Safety); Mary Crawford, Ken Eddie, Councillors Martin Greig and John West (Representatives of Residents within the Forum's Area); Barry Black (Representative of Youth) and Diane Sande (Licensing Standards Officer).

Town House,  
ABERDEEN 31 May 2011

### LOCAL LICENSING FORUM

The Members of the **LOCAL LICENSING FORUM** are requested to meet in Committee Room 5 - Town House on **WEDNESDAY, 8 JUNE 2011 at 4.00 pm.**

RODERICK MACBEATH  
ACTING SENIOR DEMOCRATIC SERVICES MANAGER

### **BUSINESS**

- 1 Minute of Forum meeting held on 14 April 2011 (Pages 1 - 6)
- 2 Update from Licensing Board (Pages 7 - 8)  
Please note the next Licensing Board meeting is scheduled to be held on Tuesday 28 June 2011 at 10:30am.
- 3 Review of Statement of Licensing Policy - Response from Licensing Board (Pages 9 - 14)

- 4 Statistical Information
- 5 Update from Licensing Standards Officer
- 6 Workplan (Pages 15 - 20)
- 7 Proposed Items for Discussion at Joint Meeting
- 8 Issues raised by Cults Bieldside and Milltimber Community Council (Pages 21 - 22)
- 9 CCTV - Policy Amendment (Pages 23 - 28)
- 10 Any Other Competent Business

Website Address: [www.aberdeency.gov.uk](http://www.aberdeency.gov.uk)

Should you require any further information about this agenda, please contact Grant Webster on 01224 522607 or email [gwebster@aberdeency.gov.uk](mailto:gwebster@aberdeency.gov.uk)

# Agenda Item 1

## ABERDEEN LOCAL LICENSING FORUM

Thursday, 14 April, 2011

Present: Allan McIntosh, Convener; Ken Eddie, Mary Crawford, Craig Adams, Gerard Rattray, Bob Westland, Gillian Esson (substituting for Inspector John Soutar), Mark Donlevy, David Wright, George Wyatt, Linda Smith, Sandy Kelman, and Diane Sande.

Also Present: Grant Webster, Clerk to the Local Licensing Forum

Apologies: Derek Murray and Cllr Martin Greig

### **MINUTE OF FORUM MEETING HELD ON 25 FEBRUARY 2011**

1. The Forum had before it the minute of the meeting held on 25 February 2011.

The clerk advised the Forum that the meeting held on 25 February 2011 had not been quorate and, as such, any decisions made contained within the minute would be required to be ratified by the Forum at this time.

#### **The Forum resolved:-**

- (i) to approve the minute, and
- (ii) to ratify the decisions made therein.

### **AGENDA OF LICENSING BOARD MEETING OF 11 JANUARY 2011**

2. With reference to Article 4 of the minute of the meeting of 11 November 2010, the Forum had before it a copy of the agenda of the meeting of the Licensing Board of 11 January 2011.

The clerk advised the Forum that the minute for the meeting of the Licensing Board of 11 January 2011 had not been available at the time the agenda was published but that it would soon be available online if they cared to view it. Sandy Kelman raised a query regarding an apparent trend towards applications which pertained to change opening times from 12:30pm to 11:00am on a Sunday. It was advised that this may be because there was now no restriction on a Sunday as per the 14hr rule.

#### **The Forum resolved:-**

- (i) to approach the Board to seek clarification regarding the trend of recent applications which pertained to change opening times from 12:30pm to 11:00am on a Sunday; and
- (ii) to note the information.

## **REVIEW OF STATEMENT OF LICENSING POLICY – RESPONSE FROM LICENSING BOARD**

3. With reference to Article 4 of the minute of the meeting of 25 February 2011, the Forum once again had before it a letter from Brenda Flaherty, Legal Manager, Licensing Team. In terms of section 12 of the Licensing (Scotland) Act 2005, where the Board decides not to follow advice or recommendations given to it by the Forum, it must give reasons for not doing so. The letter set out the Licensing Board response to the Forum's submissions with regards the review of Statement of Licensing Policy.

The Forum expressed disappointment at the letter, feeling that some of the responses provided were insufficiently detailed and lacked clarity. It was decided to discuss this further at a later meeting with a view to preparing a detailed response for discussion at the next Forum/Board joint meeting.

### **The Forum resolved:-**

to discuss further at the next meeting with a view to providing a detailed response at the next joint meeting with the Licensing Board.

## **STATISTICAL INFORMATION**

4. The Chairperson asked if the representatives present had any statistical information they wished to share with the Forum.

Gillian Esson of Grampian Police advised the Forum that the number of serious assaults in the period January-April 2010 was 5 while the corresponding number for the same period in 2011 was only 3. There were no further updates from members of the Forum.

### **The Forum resolved:-**

to note the update given.

## **UPDATE FROM LICENSING STANDARDS OFFICER**

5. The Forum received an oral update from Diane Sande, Licensing Standards Officer. She informed the Forum that late night visits were carried out on 11 March 2011 to a variety of premises – off sales, bars in the Castlegate area of the city, nightclubs, restaurants and members clubs. Four of the premises visited had ongoing noise complaints which gave them an opportunity to visit when the premises were in operation with entertainment ongoing.

Any premises where potential breaches of conditions, unavailable documents and signage issues were found were recorded. She advised the Forum that these premises have either all now been revisited or were scheduled for licensing visits.

She also advised the Forum that the monthly liaison meetings with the police were continuing and visits were carried out on 2 April in the Woodside and Great

Northern Road area. Breaches of licence conditions and signage were identified and follow up visits have either taken place or are scheduled to take place.

**The Forum resolved:-**

to note the update given.

**WORKPLAN**

6. The Forum had before it the workplan of the Local Licensing Forum. The Convener went through each issue on the workplan and updates were noted.

**The Forum resolved:-**

- (i) for the Clerk to update the workplan as agreed; and
- (ii) to note the relevant updates

**ALCOHOL STATISTICS SCOTLAND 2011**

7. The Forum had before it a copy of Alcohol Statistics Scotland 2011, a publication by NHS National Services Scotland and ISD Scotland National Statistics.

This biennial publication presents the latest available information from a range of national data sources relating to alcohol. These include routine data sources and surveys. There are four main sections to the document:

- The Alcohol Market
- Alcohol Consumption
- Alcohol and Health Harm
- Alcohol and Social Harm

An electronic copy of the document is available at:

[www.alcoholinformation.isdscotland.org](http://www.alcoholinformation.isdscotland.org)

The Forum discussed the report, highlighting a number of statistics contained within. One such statistic highlighted was the fact that alcohol was 66% more affordable in 2009 than in 1987.

The Forum concurred that the statistics contained within the document would be beneficial in supporting recommendations/concerns that are put to the Board. They would also be useful in comparing the current situation in Aberdeen with other Scottish cities.

**The Forum resolved:-**

to note the information given.

**DOOR STEWARDS – CO-ORDINATION ACROSS CITY CENTRE**

8. With reference to Article 10 of the minute of the meeting of 14 April 2011, the Forum discussed a perceived lack of consistency across the city with regards to door stewarding. There was concern that some licensed premises appeared to

have door stewarding as a condition of their licence while other comparable premises did not. Concerns were also raised that there appeared to be a shortage of trained door staff in Aberdeen. The Forum discussed the initial costs of door steward training and the cost of applying for a licence. Currently, it costs £250 for the training course and then a further £244 for the licence under the current training scheme run by SIA (Security Industry Authority). Previously, the training was provided by Aberdeen City Council, cost considerably less and included a basic first aid course, which the current training does not. The training provided by Aberdeen City Council meant that there was a steady turnover of students who were willing and able to work for four years as a door steward while they studied in the city. The initial cost of the current training is seen by the Forum as too expensive, dissuading student applicants. There are also no readily available classes in Aberdeen, with the nearest identified as being in Edinburgh or Glasgow.

**The Forum resolved:-**

- (i) to approach the Board with their concerns regarding the policy of door stewarding across the city centre; and
- (ii) to highlight to the Board the cost factor of training as an issue for concern regarding the lack of trained door stewards in Aberdeen.

**DRINK DEALS IN EVENING EXPRESS**

9. The Forum had before it an item raised by Craig Adams in relation to the Counter section in the Evening Express specifically the Drink Deals column. The Clerk distributed a copy of the article to the Forum. The Forum felt that, since this column only highlights the cheapest deals on alcohol across the city, the column promotes binge drinking. In discussion, the Forum agreed to invite a representative from Aberdeen Journals to observe a future meeting of the Forum so that they can be made aware of the current situation in Aberdeen.

**The Forum resolved:-**

- (i) to extend an invite to a representative from Aberdeen Journals to attend a future meeting of the Forum; and
- (ii) to refer the Forum's concerns to the Board.

**ANY OTHER COMPETENT BUSINESS**

10. (A) Statistics from Scottish License Trade Association

George Wyatt advised the Forum that the Scottish License Trade Association would be able to provide statistics to the Forum and asked that the Clerk include this on the next agenda. The Forum also expressed concern that occasional licenses can be granted without the need to have trained staff or personal license holders on premises. It was observed that this was more of an issue in the Aberdeenshire area than the city and so the Clerk was asked to pass on the concerns of the Forum to the Aberdeenshire Licensing Forums.

**The Forum resolved:-**

to task the clerk to the Licensing Forum to contact the clerk to the Licensing Forums in Aberdeenshire regarding occasional licenses.

(B) Unight Awareness Campaign

Mark Donlevy of Unight advised the Forum that they would be a relaunch this year of their awareness campaign in conjunction with Grampian Police. The campaign highlighted the dangers in underage persons using an older family member's passport to gain admission to licensed premises. It also highlighted the dangers for the older family member in allowing them to do so. Mr Donlevy advised the Forum that the campaign was quite successful last year.

**The Forum resolved:-**  
to note the information.

(C) Forum Membership

The Convener advised the Forum that, due to the resignation of Derek Murray from the Forum, there was now a vacancy. Nominations were taken from the Forum and, in addition to the two people already on the waiting list, the clerk received 3 further nominations. The Clerk asked the Forum to contact him with any further nominations and this would be tabled at the next meeting.

**The Forum resolved:-**  
to note the information, and to provide any further nominations for membership to the Clerk before the next meeting.

**DATE OF NEXT MEETING**

11. It was confirmed that the next meeting of the Forum would be held on Thursday, 23 June, 2011.

- **ALLAN MCINTOSH, Convener**.

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## **1) Grampian Police CCTV Specification- Licensed Premises**

Aberdeen City Licensing Board is considering making a change to its Statement of Licensing Policy. The change relates to late opening premises only.

The Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007, provides that in certain late opening premises: "A CCTV system must be installed on the premises to the satisfaction of the appropriate chief constable and must be kept in good working order".

The relevant premises affected fall within the following description.

Premises which have a capacity of at least 250 people and which will regularly provide at any time between 01.00 am and 05.00 am:

(i) live or recorded music with a decibel level exceeding 85dB;

(ii) facilities for dancing; or

(iii) adult entertainment; or

when fully occupied, are likely to have more customers standing than seated.

Exceptions to this general rule are premises:

a) where the primary function of which is the service of food;

b) which include, or are part of larger premises which include, at least 6 letting bedrooms;

c) in respect of which a licence under Section 12 of the Theatres Act 1968 or Section 1 of the Cinemas Act 1985 is in force; or

d) which are, or are part of, an art gallery.

The provision therefore gives the police a discretion when identifying an acceptable standard for CCTV systems. Grampian Police have drafted their proposed standard and a copy of it is attached below. The proposal is to have it incorporated in the Licensing Board's Statement of Licensing Policy.

As part of the process it is necessary to carry out a consultation with the Local Licensing Forum. Therefore should you wish to comment on the proposed specifications I should be grateful if you could please do so in writing to the Depute Clerk to the Board by 1 July 2011.

## **2) General Extension Under Section 67 of the Licensing (Scotland) Act 2005**

The following item is for the information of and noting by the Forum:

At its meeting on 3 May 2011 the Licensing Board resolved to grant a general extension under Section 67 of the Licensing (Scotland) Act 2005 to allow one extra hour after the terminal hour for all on-sale liquor licensed premises throughout Aberdeen city, with the exception of casinos, for the duration of

Offshore Europe 2011. The general extension has effect from Monday 5 September 2011 to Thursday 8 September 2011.

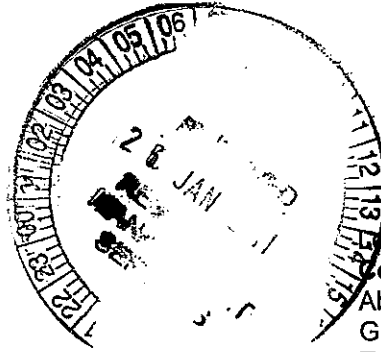


## ABERDEEN CITY COUNCIL

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24<sup>th</sup> January 2011

Local Licensing Forum  
Democratic Services  
Town House

FOA Grant Wiseman

*not licensing*

Dear Sirs

### Licensing (Scotland) Act 2005 Review of Statement of Licensing Policy

I refer to the Forum's response to the consultation on the Licensing Board's review of its Statement of Licensing Policy. In terms of section 12 of the 2005 Act, where the Board decides not to follow advice or recommendations given to it by the Forum, it must give reasons for not doing so. Where the Forum makes recommendations it would be helpful if it also explained its reasoning as to why the recommendation has been made. This would assist the Board in its assessment of the recommendation.

The Forum provided two responses. The Board, for a variety of reasons, may elect not to adopt recommendations from the LLF. Failure to adopt advice or recommendations does not mean that the advice or recommendation was without merit.

#### Response received Summer 2010

The first response from the Forum primarily consists of a series of statements. With regard to the few specific comments raised by the Forum, the response from the Board is as follows:

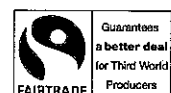
In respect of the report 'Licensing Law and the Public Health Objective' produced in August 2008:

1. Page 28 states that only a small number of Boards link within their public health section an encouragement to provide food on the premises:

**Response:** See para 27.8 of the Policy Statement which provides that 'applicants are encouraged to provide food on the premises, so that patrons may eat at the same time as consuming alcohol if they wish'.

2. Page 28 states that only a small number of Boards link within their public health section a requirement for adequate ventilation and sanitary provision.

**Response:** These matters are dealt with under other legislation and therefore are outwith the Board's remit.



3. A small number of Boards request the provision of free tap water for drinking.

**Response:** The provision of free tap water fit for drinking is a mandatory condition of a premises licence therefore there is no need to make reference to this in the Policy Statement.

4. The same report suggests that Boards undertake Health Impact Assessments. It is noted that Glasgow Licensing Board has undertaken such an assessment.

**Response:** at the present time Aberdeen City Licensing Board is not in a position to undertake such an assessment. There are however many initiatives which the Board is taking forward in partnership with other organisations and the licensed trade which contribute to the licensing objectives and which in turn should have a domino effect on public health.

5. With regard to the letter from Gary Cox (Scottish Government) dated 4 April 2007: Paragraph 102 of that letter states the legal position in relation to review of premises licences.

**Response:** Paragraph 10 of the Policy Statement covers the review of premises licences.

6. It is noted that paragraph 193 of the Guidance makes reference to Closure Orders and that the Policy Statement makes no reference to them.

**Response:** The Board's view is that there is no need to make reference to these Orders in its Policy Statement. The issue of Closure Orders is clearly provided for in the 2005 Act and is a legislative rather than a policy issue.

7. The Forum asks the Board to take the opportunity to canvass views from economic development bodies and tourism bodies as well as the trade if it has not already done so.

**Response:** The consultation process undertaken by the Board was very wide. This recommendation is noted for future reference.

8. The Forum suggests that the Board might like to reflect in the Policy Statement its position with regard to the decision of the Glasgow Board refusing variation applications from large supermarkets to increase capacity of alcohol displays.

**Response:** Any decisions taken by other Licensing Boards must be treated with caution as such decisions may reflect the position in an area which may be quite different to Aberdeen. In any event Glasgow Licensing Board has since changed its position on this issue.

9. With regard to the publication 'Licensing for Public Health' and page 11 'Developing a Licensing Strategy to Promote and Protect Public Health' the Forum recommends that the Board considers producing such a strategy.

**Response:** This issue cannot be considered in terms of the current review of the Statement of Licensing Policy as it requires further discussion. Perhaps the Forum would wish to consider this matter in greater depth and advise the Board how it should proceed and what should be considered in terms of such a strategy?

10. Re the 'Licensing Toolkit' produced by Alcohol Concern and the recommendation that the Board accesses statistical data from the Alcohol and Drugs Partnership:

**Response:** This issue cannot be considered in terms of the current review of the Statement of Licensing Policy as it requires further discussion. Perhaps the Forum could explain in greater detail how such information could be used in practice and what benefit it thinks can be derived from the outcome?

11. The Forum suggests that the Board lists the tasks/actions that it has endorsed in relation to the Aberdeen Alcohol Strategy 2009-2019

**Response:** the Board has endorsed the strategy and the policy states this.

### **Response received 12<sup>th</sup> October 2010**

1) layout of statement

**Response:** we consider that the layout does refer to the licensing objectives.

2) place licensing objectives earlier in statement

**Response:** This is a matter of style. Ours follows that adopted by other Licensing Boards

3) specific reference should be made to Aberdeen Alcohol Strategy, Licensing for Public Health (June 2009 and considered by LB 15/12/09), Community Safety Partnership Action Plan, Single Outcome Agreement, and input from Social Care and Wellbeing. Also Council Transportation Strategy and Single Equalities Scheme.

**Response:** The Board does not yet have a single equalities plan to refer to although this is under consideration. Social Care and Wellbeing are consulted on various matters pertaining to the Licensing Board and we would include relevant material as appropriate. Section 2 of the Policy makes reference to this.

4) Misleading to call Section 13 Enforcement & Licensing Standards Officers. Should have separate section on role of Licensing Standards Officers as their role is more than enforcement.

**Response:** Again this is a matter of style. In practice the Licensing Standards Officer's role is mainly enforcement.

5) Add a contacts section.

**Response:** there has always been a contacts section at the beginning of the document. It is contained in the preamble and has been updated.

6) add glossary of terms or a briefing paper explaining different remits and functions of Licensing Board, Committee and Local Licensing Forum

**Response:** We do not consider this to be necessary. The Licensing Committee is not involved in liquor licensing matters. Applicants to the Board, by definition should understand the role of the Board. We can add a section of the role of the Local Licensing Forum at a future review if Board Members think it desirable.

7) Use publicity about the Policy to have an alcohol awareness campaign

**Response:** the Board has no resources of any kind to launch a public awareness campaign (presumably on the misuse of alcohol). It is not part of the Board's judicial function to do this.

8) Add procedures to assist the public to make objections/representations. Add complaints procedure eg what triggers a licence review.

**Response:** The neighbour notification and display notices give details of how to object or make representation to the Board. The Board is not in a position to say what triggers a review of a licence. "Any person" can complain to the Board and trigger a review on any relevant issue. In these circumstances the complainer should be taking independent legal advice. The Board has an independent judicial role in review hearings and it would be inappropriate for it to give advice to a party on an issue it would later be adjudicating on.

9) add section on monitoring and evaluation of policy itself and Licensing Board's contribution to other strategies.

**Response:** the Board reviews the policy as necessary and issues supplementary policies as appropriate.

10) 10.4 & 25.7 of the policy regarding Door Supervisors should have their role expanded and discussed in context of risk assessment on employee safety and ratio to occupancy capacity

**Response:** Occupancy capacity is for the purpose of calculating overprovision only and the policy states this. The Board has discussed this issue and is of the opinion that it is too complex and variable to be enforceable as a policy decision. The Board has no power to insist upon risk assessments from licence holders with regard to their employees in licensed premises.

11) Section 11 review of premises licence - state what triggers a review and relevant grounds.

**Response:** the relevant grounds for review are contained in the Act and therefore need not be replicated in the Policy. See also Response 8.

12) Section 2.6 mentions Aberdeen Alcohol Strategy and Alcohol and Drugs Partnership + community safety

**Response** This has been included in the Policy.

13) Section 2.8 expand. Licensing Board to offer advice/ make recommendations to other bodies and invite them to take action or explain why they have not done so.

**Response:** We do not fully understand this point. The Board relies on other experts to give it advice eg building standards, environmental health. These bodies have their own enforcement regimes and will make their own decisions as to what actions are appropriate or otherwise in terms of their own remits. If the Board has concerns it will always draw these to the attention of its advisers. We consider that section 2.8 deals adequately with this point.

14) Section 2.10 delete ref to planning permission.

**Response** We are unsure what is meant here. We consider that section 2.10 is giving procedural advice to an applicant.

15) Section 6.3 reword to confirm model conditions adopted and state they are to have equivalent of statutory status. Attach conditions to policy.

**Response** local conditions are now spelt out in Policy. We do not have any model conditions.

16) Section 8.1 Licensing Board assessing application against licensing objectives should be more positive. Test should be does application promotes licensing objectives.

**Response** the Board do test applications against the licensing objectives when they call before it, and have refused applications as not promoting the objectives when Members consider it necessary.

17) Section 9.6 explain what evidenced complaints are and not just regarding overprovision. Clarify if a member of the public can trigger a complaint.

**Response** See response 8.

18) Section 22.5 – add a recommended template for risk assessments.

**Response:** the Board has no power to do this.

19) Section 25.3 – what are relevant representations? Add assurance re monitoring/review of compliance with licence conditions and operating plan.

**Response** Monitoring is an ongoing joint role undertaken by the police, the Licensing Standards Officer and the Licensing Team.

20) Section 20.10 – change heading as refers to more than hours of trading. Working Group for dispersal

**Response:** headings have been changed. There have been numerous attempts over the years to devise a strategy for dispersal of patrons from licensed premises and many initiatives have been instigated eg night time taxi ranks, taxi marshals, police operations, street pastors. The Council is constantly striving to address this which in any case is a corporate issue and not just one for the Board to solve. We do not see what yet another group will achieve in this area.

21) Adopt similar to Edinburgh's policy condition re ATMs.

**Response** This has not been brought to the attention of the Board hitherto. We are not aware of any licensed premises (apart from supermarkets) which have ATMs and we do not consider this to be an issue which requires a policy to be formulated.

22) Licensing Board to consider its position regarding food & non alcoholic drinks if Dundee wins its case.

**Response** The Board will take cognisance of any relevant legal precedent.

23) Establish a working group to devise a comprehensive solution to crowd dispersal in city centre at weekends.

**Response** See response 20.

24) Include conditions on pavement cafes and the Board's own position on irresponsible drinks promotions as per Dundee.

**Response** Pavement cafes, if licensed, may have conditions attached by the Licensing Board on a case by case basis. However, most are unlicensed, the permit being granted by the Council (Roads) and consumption of alcohol being allowed on an off sale basis only. Irresponsible Alcohol promotions – these are set out in the Act. Guidance is required from the Government where new types of promotion challenge the provisions. The Dundee Licensing Board has now lost its court case on irresponsible promotions.

25) Expand the policy to reflect Dumfries and Galloway policy

**Response** It is presumed that Dumfries and Galloway have specific issues they wish to address and have included these in their policy as a result. Should any

issues be drawn to our attention as problems specific to Aberdeen, they will be addressed in future statements.

26) address multiple audiences including citizens who want reassurance the licensing objectives are given prominence in decision making. Add Dumfries & Galloway statement of intent. See response doc.


**Response** (a) this matter may be better addressed when considering the terms of the Social Responsibility Levy which will be introduced later this year in the Alcohol etc Act 2010, following an extensive consultation by the Scottish Government.

(b) we consider this to be out with the remit of the Board.

(c) This appears to be a statement rather than a recommendation. The Board already takes a multi agency approach to matters within its remit.

Thank you for responding to the consultation.

Yours faithfully



**Brenda Flaherty**  
**Legal Manager**  
**Licensing Team**



## ABERDEEN LOCAL LICENSING FORUM

### WORKPLAN AS AT DECEMBER, 2010

#### Licensing Objectives (for reference) –

- (1) Preventing Crime and Disorder,
- (2) Securing Public Safety,
- (3) Preventing Public Nuisance,
- (4) Protecting and Improving Public Health, and
- (5) Protecting Children from Harm.

Remit of Local Licensing Forums as set out in the Licensing (Scotland) Act 2005 – keeping under review the operation of the Act in the Forum’s area and in particular the exercise by the Licensing Board of their functions including giving advice and making recommendations to the Board in relation to those matters where the Forum considers it appropriate. The Act does not enable a Forum to review or give advice or make recommendations in relation to the exercise by a Board of their function in relation to a particular case. “Case” is taken to mean an application before a Board and in the interests of natural justice is also taken to mean individual licensed premises. The preferred route for consideration of complaints about the running of licensed premises is to write directly to the Clerk or Depute Clerk to the Licensing Board.

The Licensing (Scotland) Act 2005 requires Licensing Boards in exercising any of their functions to have regard to any advice given or recommendations made to them by a Local Licensing Forum and where the Board decides not to follow the advice or recommendation to give the Forum reasons for that decision, the Board must provide copies of relevant statistical information to the Forum as it may reasonably require for the purposes of its general functions.

Licensing Standards Officers have a general function of providing to interested persons information and guidance concerning the operation of the Act, supervising compliance with the Act and the conditions of their licences by holders of Premises Licences and Occasional Licences and mediate between communities and the trade or between any two parties where there is a need to resolve a local problem and develop a local solution. LSOs do not act as “policemen” with regard to licensing but they will liaise with the police and other relevant officials such as Environmental Health Officers in pursuit of the objectives of the Act.

No	Action/Decision agreed by Forum or Sub-Committee	Update/Outcome/Response	Referral to Licensing Board or Clerk (Yes/No) Reply (Yes/No)	Issue requires discussion at next Joint Meeting with Licensing Board (Yes/No)
(1)	Find out from communities what are their areas of concern	Issues raised by Community Councils, etc have been considered by the Forum and where appropriate action has been taken to make further enquiries. The Forum will await any further referrals from Community Councils or individuals.		
(2)	Improve intelligence in relation to statutory bodies.	The Forum is gaining experience as it considers topics and input from Forum members who are representatives of relevant agencies. The Forum has been represented at conferences and training events and will continue to do so.		
(3)	To receive reports from the Licensing Board containing relevant statistical information.	031110 – In discussion with Clerk to Licensing Board, sections 12 and 6(5) were cited as grounds to refuse statistical information being provided to the Forum.		
(4)	To request an outline from the Licensing Board on measures it will employ to ensure compliance with the five	An assurance has been given by the Board at the second joint meeting with the Forum that the current Licensing Policy makes		

No	Action/Decision agreed by Forum or Sub-Committee	Update/Outcome/Response	Referral to Licensing Board or Clerk (Yes/No) Reply (Yes/No)	Issue requires discussion at next Joint Meeting with Licensing Board (Yes/No)
	<p>licensing objectives.</p> <p>This is being addressed as part of the review of the Statement of Licensing Policy.</p>	<p>appropriate references to the objectives. At the joint meeting with the Board on 23/4/10 it was confirmed that it will continue to monitor statistical trends in relation to crime and if possible health and other indicators in order to evaluate contributions to the achievement of the licensing objectives.</p>		
(5)	Late Night Bus Services	A paper will be presented to Enterprise, Planning and Infrastructure on 9/11/10. An update has been provided.		
(6)	<p>Staffing Levels – the Forum and the Sub-Committee noted that Aberdeen is the only city in Scotland to employ only one Licensing Standards Officer. Although information on staffing levels elsewhere in Scotland may be out-of-date there is no doubt the majority of local authority areas employ more than one Licensing Standards Officer.</p> <p>The Forum at its meeting on 25/2/10 noted the response set out in this Plan but agreed to</p>	<p>A response to the issues raised was received on behalf of the relevant Head of Service (Housing and Environment) in the City Council. The views of the Clerk to the Licensing Board were also sought. It was agreed it would be premature to formally request the Forum to write to the Chief Executive of the City Council requesting an increase in the number of Licensing Standards Officers employed by the City Council. The professional opinion is that as the Licensing (Scotland) Act</p>		

No	Action/Decision agreed by Forum or Sub-Committee	Update/Outcome/Response	Referral to Licensing Board or Clerk (Yes/No) Reply (Yes/No)	Issue requires discussion at next Joint Meeting with Licensing Board (Yes/No)
	<p>write to the Chief Executive of the City Council now seeking her views on increasing the establishment of Licensing Standard Officers.</p> <p>The Chief Executive has asked the Director of Housing and Environment to reply to the Forum and thanked the Forum for drawing this matter to her attention.</p>	<p>2005 has only been operational since 1/9/09, it is too soon to accurately assess workload. It is anticipated that demand for advice will decline and from experience in dealing with the trade there is evidence of a high level of co-operation and willingness to comply. The officers concerned have given a commitment to review the position to decide whether or not to prepare a business case to support a request for additional staff resources. Meantime the Forum is asked to note that in addition to the Licensing Standards Officer one other officer has been trained in the Licensing Act duties. During 2010 more of his time will be freed up to undertake some of the duties. Other staff have also received elements of LSO training and this should facilitate a more proactive approach in relation to visiting licensed premises. The LSO's Line Manager will continue to monitor her workload which is standard Council practice. Raised with the Board at the joint meeting</p>		

No	Action/Decision agreed by Forum or Sub-Committee	Update/Outcome/Response	Referral to Licensing Board or Clerk (Yes/No) Reply (Yes/No)	Issue requires discussion at next Joint Meeting with Licensing Board (Yes/No)
		of 011210, who advised that the appropriate action would be for them to raise concerns with Council.		

ACTIONS FOR LICENSING FORUM IN

ALCOHOL STRATEGY 2009 – 2019 AND IN ALCOHOL RELATED DISORDER IN THE CITY CENTRE ACTION PLAN

- (1) Reducing Consumption – The Licensing Board will consult widely on specific measures to deliver and enhance their policy including receiving advice from the Licensing Forum.
- (2) Prevention (a) – Encouraging developments to increase access to food and non-alcoholic drinks in clubs and the licensed premises at night in liaison with Unight, the Licensing Board and City Centre/Safer Aberdeen Forum.
- (3) Prevention (b) – Review to establish how a more preventative approach to over-consumption of alcohol can be devised in partnership between the Licensing Board and the trade.
- (4) Prevention (c) – Attract different types of premises to offer family orientated entertainment such as late night coffee shops, cafes, etc. in liaison with the Licensing Board, Unight, Safer Aberdeen Forum and Economic Development staff.

committees/aberdeen local licensing forum/Notes/workplan may 2010

# Agenda Item 8

Dear Mr Webster,

I refer to your letter of 29 April 2011.

The Cults Bielside and Milltimber Community Council has the following alcohol related issues for the Forum to discuss with the Licensing Board:

- a) CBMCC would like to limit the number of licenced outlets in Cults, Bielside and Milltimber i.e. no more additional licences to be issued.
- b) Checks on licenced premises should be intensified to make sure sale of alcohol not being made to under age drinkers. This may help to prevent/limit uncontrolled drinking bouts in Allan Park, the Cults bike park and other gathering places during the summer months.

Yours sincerely

Guus Glass  
Secretary CBMCC

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*Keeping our communities safe*

# **CCTV SPECIFICATION**

# **LICENSED PREMISES**

## 1.0 INTRODUCTION

Amendments to the Liquor Licensing Act in Scotland came into force in February 2008. A condition of regular extended hours beyond 0100 hours now includes mandatory CCTV provision to the satisfaction of the Chief Constable in certain defined, late night opening premises.

- 1.1 This specification documents the minimum requirements for CCTV systems to meet licensing requirements in the Grampian Police area. This specification does not preclude additional cameras or features that may be added to the CCTV system as the management of the premises sees fit, as long as these additional features comply with relevant legislation.
- 1.2 Grampian Police recognises that the area of CCTV is a dynamic one and that due to advances in technology this specification will require to be reviewed on a regular basis. This is to ensure the ongoing sufficiency of minimum standards set out herein and that these standards continue to uphold the Licensing Objectives of Preventing Crime and Disorder, Securing Public Safety and Preventing Public Nuisance.

## 2.0 REFERENCES

- 2.1 Within this specification, reference is made to Home Office and Information Commissioner Documents, these should be read in conjunction with this specification (see Section 11).

## 3.0 DATA PROTECTION ACT

- 3.1 Notwithstanding any of the requirements contained in this document, systems **MUST** comply with the requirements of the Data Protection Act. It is the responsibility of the premises owner to ensure this requirement is complied with.

## 4.0 CAMERA POSITIONS

- 4.1 **Required:** All points of entry to or exit from the premises must be captured by at least 1 *fixed* CCTV camera.
- 4.2 **Required:** The cameras should be either tamper resistant or mounted in a way that makes them tamper resistant.
- 4.3 **Required:** Such cameras (Points 4.1 and 4.2) must have lip-synched audio capture capability.
- 4.4 **Advised:** Further CCTV cameras are installed to cover external areas where patrons may be required to wait in line or congregate adjacent to points of entry. Audio capture is not mandatory for these additional cameras, however should be considered for the protection of staff and as an evidence gathering tool where operational requirements dictate.
- 4.5 **Advised:** CCTV cameras to cover other internal areas of high footfall and low supervision, including customer/staff interaction areas, i.e. bars, counters etc. Audio capture should be considered where needs dictate for the protection of staff and as an evidence gathering tool.
- 4.6 **Information:** All cameras covering areas of high footfall or customer staff interaction areas should give clear 'identifiable' images of all persons as defined in the 'Home Office CCTV Operational Requirements Manual'. The CCTV coverage of these advisable areas is **not** mandatory, but recommended.

## 5.0 LIGHTING

- 5.1 **Required:** Lighting of sufficient luminance must be installed to fully support CCTV cameras at points of entry/exit.
- 5.2 **Required:** At points of entry or exit the lighting must be sufficient (preferably white light) so that the perception of colour is relatively accurate (a minimum value of 60 on the Colour Rendition Index is advised).
- 5.3 **Advised:** Flat consistent illumination to reduce shadowing.

## 6.0 RECORDING

- 6.1 **Required:** All CCTV cameras are to be recorded on digital video CCTV recorder(s).
- 6.2 **Required:** Good quality CCTV images must be captured with a minimum image capture rate of 12 frames per second and a minimum resolution of 2CIF.
- 6.3 **Required:** The recorder must be capable of continued recording when replay of images takes place.
- 6.4 **Required:** Images must be retained for a period of 7 to 14 days and should then be overwritten. Where evidence is retained for use by a Law Enforcement Agency this period may be longer. It is recommended that any footage transferred to disc (or other media) be tested **before** handover to Officers.
- 6.5 **Advised:** If a greater retention period is chosen it should reflect the organisations' own purposes and should be the shortest possible based on experience (Reference: The Information Commissioner's CCTV Code of Practice).
- 6.6 **Advised:** A system of loss-less compression should be considered and would be recommended (Reference: Home Office CCTV Operational Requirements Manual).

## 7.0 IMAGE RETRIEVAL

- 7.1 **Advised:** Crown Office and Procurator Fiscal Service (COPFS) has stipulated that the acceptable standard for presentation of digital evidence in Court is PAL DVD compatible. Though not mandatory, it is recommended that systems are able to output to this format.
- 7.2 **Required:** If the requirement of 7.1 above is not possible, retrieval of images from the digital video recorder must meet the following requirements:
1. *The evidence must be able to be exported from the digital video recorder to one or more of the following media:*
    - *USB2 hard drive*
    - *DVD*
    - *CD*

2. *The evidential image file must be accompanied on the export media (Hard drive, DVD or CD) by its playing software to be viewed in the format in which it was originally recorded.*
3. *The playing software must be licence free.*
4. *The playing software must be playable on the Windows XP operating system.*
5. *The playing software and evidence must be playable from the media (Hard drive, DVD or CD) on which it is recorded and must not require installing, or any component part, on the PC on which it is played.*
6. *The playing software must not require access to the registry of the computer on which it is played.*
7. *The evidence must be saved without password protection.*

## 8.0 IMAGE VIEWING

- 8.1 **Required:** The CCTV system must include a method for viewing and reviewing images. This should be a 17" CCTV monitor or better, which can be switched to view each CCTV camera individually.
- 8.2 **Required:** The set-up and performance of each entry/exit camera must be easily confirmed.
- 8.3 **Required:** All point of entry or exit cameras must give clear 'identifiable' images of all persons as defined in the "Home Office CCTV Operational Requirements Manual".
- 8.4 **Required:** All images captured must be clear, easily viewed and of sufficient quality to be used as evidence in Court.
- 8.5 **Advised:** The layout of the door entry arrangements should be such as to provide Pinch Points that will assist the CCTV system achieving consistent 'identifiable' images. These Pinch Points must **not** be achieved at the expense of Health and Safety considerations.

## 9.0 TRAINING

- 9.1 **Required:** Sufficient staff must be trained in the operation of the CCTV system, and at least one member of staff who is able to retrieve images for evidential purposes should be on duty at all times. This is necessary to comply with the terms of the Data Protection Act and failure to comply may invalidate insurance.
- 9.2 **Advised:** An easy use procedural flowchart for the use of the CCTV should be displayed within easy reach of the system.

## 10.0 MAINTENANCE

- 10.1 **Required:** All faults must be rectified within a maximum of 7 days.
- 10.2 **Required:** A maintenance log must be kept reporting faults, their rectification and the systems maintenance schedule.
- 10.3 **Required:** The system must be tested on all business days to verify that all cameras are working satisfactorily. The result of the test should be logged daily.
- 10.4 **Required:** Reference manuals for all parts of the CCTV system should be held locally.

## 11.0 REFERENCES:

1. Home Office CCTV Operational Requirements Manual:  
<http://tna.europarchive.org/20100413151426/http://scienceandresearch.homeoffice.gov.uk/hosdb/publications/cctv-publications/55-06 - CCTV Operational Re2.pdf?view=Binary>
2. The Office of the Information Commissioner's CCTV Code of Practice:  
[http://www.ico.gov.uk/upload/documents/library/data\\_protection/detailed\\_specialist\\_guides/ico\\_cctvfinal\\_2301.pdf](http://www.ico.gov.uk/upload/documents/library/data_protection/detailed_specialist_guides/ico_cctvfinal_2301.pdf)